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Answers

B-1. Must an LEA determine comparability every year?

Yes. Demonstrating comparability is a prerequisite for receiving Title I funds. Because Title I allocations are made annually, comparability is an annual requirement. *[Section 1120A(c)(1)(A)]*

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B-2. When should comparability be determined?

The comparability process must enable an LEA to identify, and correct during the current school year, instances in which it has non-comparable schools. An early determination of comparability would allow an LEA to make adjustments with the least amount of disruption. The SEA may establish deadlines for comparability determinations and for implementing any required corrective actions.

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EXAMPLE:

Below is a possible timeline an LEA could follow in determining comparability:

January – April

- Engage in district-level budget (State and local funds) discussions concerning staff assignments, and distribution of equipment and materials for the purpose of ensuring compliance with Title I comparability requirements for the upcoming school year.

May – July

- Conduct meetings with appropriate LEA representatives to discuss the requirements for completing the annual comparability calculations.
- Establish participant roles and responsibilities.
- Establish specific timelines for completion of the calculations.
- Decide which calculation methodology to use.

August

- Obtain preliminary information from appropriate LEA staff.
- Identify LEA Title I and non-Title I schools.

September

- Identify date and collection methodologies for gathering data needed to complete calculations.

October

- Collect data.
- Meet with appropriate staff and calculate comparability.
- Make corrections to Title I schools shown not to be comparable.

November

- Reconvene appropriate LEA staff to address any outstanding issues.
- Maintain all required documentation supporting the comparability calculations and any corrections made to ensure that all Title I schools are comparable.

An LEA should keep the comparability requirement in mind as it plans for the allocation of instructional staff and resources to schools for the coming school year. This would enable the LEA to minimize the potential for disruption in the middle of a school year, should adjustments need to be made to ensure that Title I schools are comparable to non-Title I schools.

B-3. May an SEA determine the method that LEAs will use to determine comparability?

The SEA may require that all LEAs use the same method or allow LEAs to submit other comparability measures for approval by the SEA. In either case, the SEA must determine that an LEA's methodology will ensure that Title I schools in the LEA are comparable to non-Title I schools or, if all schools are Title I schools, that all Title I schools are substantially comparable with each other.

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B-4. If an LEA elects to skip an eligible school when allocating Title I funds because that school is receiving supplemental funds from other State or local resources that are spent according to the requirements of section 1114 or 1115 of Title I, must that school be comparable?

Yes. Section 1113(b)(1)(D)(i) of ESEA requires that a school be comparable in order to be skipped. When calculating whether Title I schools are comparable, an LEA must treat an otherwise eligible Title I school that is skipped as if it were a Title I school when determining comparability. Note that an LEA would exclude any supplemental State and local funds expended in the school in its comparability calculations. (See the discussion on page 39 under the Supplement, not Supplant section concerning the exclusion for State and local funds expended in any school for carrying out a program that meets the intent and purposes of Title I, Part A.)

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B-5. If an LEA chooses to measure compliance with the comparability requirement by comparing student/instructional staff ratios or student/instructional staff salary ratios, which staff members should be included as "instructional staff"? Which staff members should be excluded?

If an LEA chooses to measure compliance by comparing student/staff ratios or student/ staff salary ratios, the LEA should consistently include the same categories of staff members in the ratios for both Title I and non-Title I schools. Instructional staff may include teachers and other personnel assigned to schools who provide direct instructional services, such as music, art, and physical education teachers, guidance counselors, speech therapists, and librarians, as well other personnel who provide services that support instruction, such as school social workers and psychologists.

Whether paraprofessionals are included in comparability determinations depends on procedures developed by the SEA or LEA, as appropriate. Consistent with the requirement in Title I that a paraprofessional supported with Title I funds may only provide instructional support under the direct supervision of a teacher, however, we urge SEAs and LEAs to consider carefully whether a paraprofessional supported with State and local funds should be considered equivalent to a teacher or other instructional staff member in comparability determinations. In addition, an LEA should take care not to include aides not involved in providing instructional support in its comparability determinations.

In calculating comparability, an LEA may include only staff paid with State and local funds. [Section 1120A(c)(1)] This would exclude staff paid with private or Federal funds.

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B-6. If an LEA uses student/instructional staff ratios or student/instructional staff salary ratios to measure comparability, how can the LEA determine which staff are paid with State and local funds in a schoolwide program in which there is no requirement to track Federal funds to particular activities?

As this guidance indicates, there are a number of ways for an LEA to demonstrate that its Title I schools are comparable. Two of the most common measures are student/instructional staff ratios and student/instructional staff salary ratios. These measures assume that an LEA is able to differentiate those instructional staff who are paid from State and local funds from those paid with Federal funds, because comparability determinations only focus on the use of State and local funds. In a schoolwide program school, however, the school is not required to track the expenditure of Federal funds to particular activities. Rather, the school may consolidate its Federal funds with its State and local funds and spend the consolidated funds for any activities included in its schoolwide program plan. As a result, an LEA might not be able to determine which instructional staff to include in its comparability determinations.

There are several ways an LEA may demonstrate comparability in a schoolwide program school:

- If the LEA does not consolidate its Federal funds or continues to track expenditures of those funds to particular activities, the LEA would calculate comparability for its schoolwide program schools the same as it would for its targeted assistance schools.
- The LEA may determine the percentage that Federal funds constitute of the total funds available in a schoolwide program school. The LEA would assume that the same percentage of instructional staff in the school was paid with Federal funds and delete those staff from its comparability determinations.
- The LEA may use a different measure for determining comparability in schoolwide program schools that is not dependent on identifying instructional staff paid with State and local funds. In each case, the non-Title I schools compared would be the same, but the method used for comparison purposes would be different.

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B-7. Must an LEA include charter schools that are schools within the LEA when determining whether its Title I and non-Title I schools are comparable?

Yes. All schools within an LEA must be included. However, charter schools that are geographically located within an LEA but are legally their own LEAs would not be included.

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B-8. May an LEA use a different method for determining comparability to account for differences between its charter schools and “regular” schools?

Yes. An LEA could, for example, determine the student/instructional staff ratio in each “regular” school operating a Title I program and compare those ratios to the student/instructional staff ratio for all of its non-Title I schools. For charter schools operating a Title I program, an LEA could use a different measure to determine comparability—e.g., determine the per-student amount of State and local funds used to purchase instructional staff and materials in each of those schools and compare that calculation to the average per-student amount of State and local funds used to purchase instructional staff and materials in its non-Title I schools. In both cases, the non-Title I

schools compared would be the same, but the method used for comparing Title I charter schools with non-Title I schools and Title I “regular” schools with non-Title I schools would be different.

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B-9. If an LEA is using the student/instructional staff ratio method to demonstrate comparability, should all figures used (enrollment and instructional staff FTE) reflect data from the same day in the school year?

Yes. An LEA should be consistent with regard to what day of the year the data collected reflect.

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B-10. If all schools in an LEA or in a grade span grouping receive Title I funds, must the LEA demonstrate that these schools are providing comparable services?

Yes. If an LEA serves all its schools with Title I funds, the LEA must use State and local funds to provide services that are substantially comparable in each school. See Examples 3 through 8 for ways comparability can be determined.

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B-11. The Title I statute provides that comparability may be determined on a district-wide or grade span basis. Are there limitations on the number of grade spans an LEA may use?

No. However, the number should match the basic organization of schools in the LEA. For example, if the LEA's organization includes elementary, junior high, and senior high schools, the LEA would have three grade spans.

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B-12. In addition to grade span groupings, does the LEA have the option to divide grade spans into a large school group and a small school group?

Yes, but there should be a significant difference in the enrollments of schools within the grade span. For example, a significant difference would exist if the largest school in a grade span has an enrollment that is two times the enrollment of the smallest school in the grade span.

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B-13. Are there any circumstances in which the comparability requirement might not apply?

Yes. The comparability requirement does not apply to an LEA that has only one building for each grade span. *[Section 1120A(c)(4)]* A variation of this situation would be where an LEA has only two schools, one of which is a large school and the other is a small school. In this case, the comparability requirement would not apply because the LEA would compare the small school to itself and the large school to itself. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.

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B-14. If an LEA files a written assurance with the SEA that it has established and implemented a district-wide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies, is that sufficient to demonstrate comparability?

No. An LEA must keep records to document that the salary schedule and policies were actually implemented annually and that they resulted in equivalence among schools in staffing, materials, and supplies so that, in fact, the LEA has maintained comparability among its Title I and non-Title I schools.

If an LEA establishes and implements other measures for determining comparability, such as student/instructional staff ratios, it must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustments to staff assignments were made annually to ensure compliance with the comparability requirement. *[Section 1120A(c)(3)(B); Section 443 of GEPA; and 34 CFR 75.730, and 80.42]*

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B-15. What are an SEA's responsibilities for monitoring the comparability requirement?

An SEA is ultimately responsible for ensuring that its LEAs remain in compliance with the comparability requirement. The SEA should review LEA comparability calculations at least once every two years.

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B-16. Is an SEA required to collect LEA comparability information each year? If an LEA submits a yearly written assurance that it has met comparability, is that sufficient?

Again, an SEA should review an LEA's comparability calculations at least once every two years. The SEA may require that LEAs submit comparability documentation biennially, review comparability documentation biennially as part of the regular monitoring process, or submit comparability documentation biennially as part of a desk audit process. An SEA may wish to consider establishing a two-year cycle in which it reviews comparability documentation for half of its LEAs in year one and the other half in the next year. Of course, an SEA may also require its LEAs to submit documentation annually that they have maintained comparability.

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B-17. May an SEA use the single audit process to monitor comparability?

The use of single audits as the only way to monitor comparability is generally inadequate because the comparability process must enable an LEA, during the current year, to identify and correct instances where it has non-comparable schools and enable an SEA to verify that comparability has been met. The single audit process, as the only enforcement tool, usually does not allow an SEA to determine whether an LEA has met the comparability requirement within the time frame for allocating Title I funds and for the LEA to correct any non-compliance. *[Section 1120A(c)(1)(A)]*

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B-18. Are preschool staff and student enrollment included when determining a school's student-to-instructional-staff ratios?

Generally, preschool should not be considered a grade-span for comparability purposes unless the State considers preschool to be part of elementary and secondary education.

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